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ABSTRACT

This document reports the results of a 1976 survey of state level agencies for community colleges. The purpose of the study was to (1) determine which state community college agencies have staff positions responsible for equal employment/affirmative action; and (2) to identify the nature, role, and responsibilities of the position. Forty states were surveyed; 87.5% responded. Results of the survey indicate that 26 state community college agencies have a position responsible for equal opportunity/affirmative action, although in 17 of the 26 states, the positions are also responsible for other administrative areas. Establishment of the position resulted from legislative mandate in 5 states, direction of the agency head in 15 states, federal action in 4 states, and executive order in 2 states. From the survey data, a profile of incumbents in these positions is presented and, although the nature, role and responsibilities of the position vary widely from state to state, the incumbents are categorized as coordinators, administrators, consultants, liaison agents, monitors, and/or facilitators. A brief introduction defines the legislative, judicial, and historical bases of affirmative action in higher education and state-level involvement in affirmative action/equal opportunity. (JDS)

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AFFIRMATIVE ACTION -- The State Level Scene:

A STUDY OF POSITIONS RESPONSIBLE FOR AFFIRMATIVE ACTION IN STATE LEVEL AGENCIES FOR COMMUNITY COLLEGES

JOYCE A. CLAMPITT
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JC 760 440

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A Study of Positions Responsible for Affirmative Action in State Level Agencies for Community Colleges

by

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Preface

Equal opportunity and affirmative action to end discrimination in employment, pay, and promotion of women and minority group members still is more of a goal than reality in American higher education. States have historically played a role in championing fair employment practices legislation which antedated federal efforts such as Executive Orders No. 11246 and No. 11375 as well as Title VI and Title VII of the Civil Rights Act of 1964. Nevertheless, the spotlight was not focused upon affirmative action until the federal policies were established and placed in motion.

Interestingly, the federal policies were directed at the institutional level and thus the role of state level agencies such as those responsible for community colleges were not originally in line for responsibilities or leadership in the affirmative endeavors. A variety of forces, however, developed to create a new responsibility for state community college agencies in the equal opportunity and affirmative action areas. In several cases, citations or ultimatums from federal agencies directed entire systems of higher education to respond to desegregation and discrimination charges. In other cases, state legislatures broadened their fair employment practices legislation and called upon state agencies to provide leadership, even monitoring in some cases, and overall coordination responsibility. As documented by the study reported within this monograph, however, the majority of state agencies responsible for community colleges assumed the initiative in dealing with equal opportunity and affirmative action because of the priority of the agency head responsible for community colleges. This administrative posture is consistent with the traditional pattern of state directors seeking to anticipate areas wherein services can be rendered to constituent colleges. Such direction speaks well for the executive leadership of community colleges at the state level since it negates subsequent pressures of legislatures and the general public for policing or regulating responsibilities.

Title IX of the Education Amendments of 1972 broadened the scope of equal opportunity and affirmative action by applying the concept to educational programs and activities rather than only employment and compensation issues. The result has been to expect community colleges and other institutions of higher education to assure equal treatment of sexes in the admissions process as well as in the program and student services offerings of the institution. This has further reinforced the need for state level agencies responsible for community colleges to exercise their leadership role in working with the constituent institution to bring

about a state-wide, systematic approach which will assure equity and opportunity for all.

The study reported in this monograph deals with previously unexamined dimensions of the equal opportunity and affirmative action program. A survey of the nature and scope of the position responsible for affirmative action within the state level agency for community colleges was undertaken in hopes that it can contribute to the programs and efforts of state agencies throughout the country. It is clear that the role of the state level agency is just beginning to unfold. Perhaps this study will assist state directors and their staffs in responding to the situation within their own state.

It is appropriate that acknowledgment of the contribution of the North Carolina Department of Community Colleges be made. We are deeply indebted to Dr. Benjamin E. Fountain, Jr., State President, for approving the joint effort between his Department and the State and Regional Higher Education Center at Florida State University. In addition to Joyce A. Clampitt, several other staff members contributed to the study and to each of them we express thanks, particularly Rubie Jones and Sheila Miles who helped with preliminary typing and Bill Pugh who is responsible for the art work.

This study and monograph have been produced as part of the activities of the State and Regional Higher Education Center of the Florida State University which is supported in part by a grant from the W. K. Kellogg Foundation. The Center operates as part of a partnership with the Institute of Higher Education at the University of Florida and is committed to the preservice and inservice training of professionals who serve in state and regional agencies. It is also committed to the study of issues and problems which confront these agencies and their officials. Inquiries related to services or programs of the Center are always welcomed.

Louis W. Bender, Director
and Professor of Higher Education

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Introduction

The American commitment to the philosophy of equality of opportunity has emerged as a highly visible priority in all segments of American society. However, enforcement of affirmative action policies did not come to higher education before 1970 when a relatively unknown women's civil rights group, the Women's Equity Action League (WEAL), filed a complaint against the entire academic community. That complaint charged an "industry-wide" pattern of sex discrimination and sought relief from the courts to force higher education to come under the various federal orders and laws related to equal employment opportunity and affirmative action. For the first time, the higher education community was subjected to the same requirements as business and industry to ban discrimination by employers having federal contracts. Previously, the academic community had assumed it was outside the requirements of the executive orders enforced in other employment settings.

More than five hundred class-action complaints have been filed by WEAL and other groups against individual institutions in the past five years. This is testimony of the willingness of professionals to seek redress through the courts when their grievances are not satisfied or acknowledged within the educational institution. Furthermore, it is

evidence of the impact of the courts in forcing new policies and direction upon the educational institutions which formerly had perceived higher education as being immune from the political and social dictates of general society.

The terms "civil rights," "equal opportunity," and "affirmative action" are foreign to few, if any, segments of our society today. Education and non-education segments-- public and private sectors-- all have felt some impact (directly or indirectly) by the series of federal and state legislation enacted since the Civil Rights Act of 1964. The particular relevance to higher education is expressed in the Preface of the Carnegie Commission's publication Making Affirmative Action Work in Higher Education:

> Affirmative action is today one of the most important issues before the higher education community. It affects the life chances of many individuals and the degree of independence of higher education from increasing governmental controls. It involves the highest principles of academic and political life, the goals, and the quality of public administration in an important area of action.
>
> We fully realize the explosiveness of this issue, and are acquainted with the passions, ideologies, strong opinions, and established interests surrounding consideration of every aspect of it.[1]

Inclusion of the higher education community within the jurisdiction of employment practices under affirmative action came as a consequence of the increase in federal dollars

going to institutions. As contractors for institutions were confronted with enforcement regulations of the executive orders and other federal laws, it was natural for the public eye to be focused upon the internal policies and procedures of colleges and universities. It became quite evident that past discrimination had existed and various constituencies felt they were still being denied equal opportunity and remediation of past abuses. It was not difficult, therefore, for the courts to conclude that higher education should be expected to direct efforts for the same goals as other segments of society related to equal opportunity.

Affirmative Action Defined

Affirmative action, in and of itself (irrespective of the environment) is not a term whose definition is universally established, explicitly published, and widely accepted. One definition which is fairly reflective of most is as follows: "the specific actions in recruitment, hiring, upgrading, and other areas which are designed and taken for the purpose of eliminating the present effects of past discrimination."[2] When applied to a program, the definition usually goes one step further "An Affirmative Action Program is a set of specific and result-oriented goals and procedures to which a contractor commits himself

and applies every good faith effort toward attainment. It is a deliberate attempt to provide equitable treatment for all employees regardless of race, color, religion, national origin, or sex. It includes serious consideration and action in hiring, upgrading, compensating, training, developing, placing, and other employment acts and conditions."[3]

Though not explicitly stated in the term, the concept of equal opportunity is inherent. This refers to "the right of all persons to be allowed to work or participate in various public segments of society and to advance on the basis of merit, and ability and potential, and has deep roots in our American heritage."[4]

The Executive Orders: President Lyndon B. Johnson issued Executive Order No. 11246 in 1965 requiring that all federal contracts include a clause requiring contractors to agree not to discriminate "against any employee or applicant for employment because of race, color, religion, or national origin." Three years later Executive Order No. 11375 added a requirement that sex be added to the list of nondiscrimination requirements. The responsible agency for these executive orders is the Department of Labor although the Office of Civil Rights (OCR) in the Department of Health, Education and Welfare (HEW) has been delegated responsibility for enforcing the orders among colleges and

universities but final decisions must be made by the Secretary of Labor on the recommendation of the Secretary of HEW.*

The Equal Pay Act of 1963: When higher education, came under the purview of equal opportunity legislation by action of the Women's Equity Action League (WEAL), all institutions were immediately responsible for the provision of the Equal Pay Act as well. This Act prohibits discrimination in salaries, including fringe benefits, on the basis of sex and covers all employees of the institution. It is enforced by the Department of Labor and not delegated to HEW.

Title IX of the Education Amendments of 1972: This Act went beyond employment in its provisions as it stipulated "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance." Regulations for the enforcement of Title IX were promulgated in 1975 after an earlier version had been attacked by various interest groups and institutions resulting in some modifications which now set forth extensive standards relating to admissions, treatment of students,

* The Education Commission of the States has developed an excellent reference in its Equal Rights for Women in Education: a Digest of Federal Laws, 1975.

and employment. The most controversial aspect of Title IX has related to athletics and the requirement that women's programs be comparable to men's programs. Another regulation of note under Title IX is a provision that grievance procedures must be adopted and published in order for any students or employees to know of availability of possible redress. Enforcement responsibilities are with the Office of Civil Rights in HEW.

Equal Employment Opportunity Act of 1972: The provisions of the EEOA extended the application of Title VII of the Civil Rights Act of 1964 to the educational community and brought employees of educational institutions and state and local governments under the jurisdiction of the Equal Employment Opportunity Commission which was appointed by the President and charged with administering the 1972 legislation. Title VII does not require affirmative action but is limited only to nondiscrimination in admissions of students on the basis of sex or against academic employees. The EEOC operates much like the state agencies charged with administering state fair employment practice laws and, in fact, works in concert with such state agencies. The EEOC receives complaints, investigates, and has the authority to commence litigation in order to bring injunctive or affirmative relief as well as back pay and court fees and costs restitution.

Institutional Focus

The executive orders and related federal legislation address the employer level in attempting to achieve the goals of equal opportunity and affirmative action. As a result, the focus within higher education is upon the individual institution where employment practices are carried out operationally. It can be readily seen that three primary objectives underlie the federal effort. One is the ethical or moral dimension, the second is the legal dimension, and the third is the economic-social dimension.

The ethical and moral foundations of equal opportunity and affirmative action are basic to our democratic society and relate to the philosophy of a country dedicated to the free. Opportunities must be available equally if people are free and not to be subjugated to others. Furthermore, most people would accept the moral commitment to humane treatment of all and a concern for those who would be barred from achieving all that life is able to provide.

The legal dimensions complements the ethical and moral ones by virtue of the Constitutional guarantees to all citizens of freedom and opportunity as an individual citizen. The will of the people is thus inscribed through the Articles of the Constitution and courts have ruled that no instrumentality of society is above the requirements of the Constitution.

Laws enacted by Congress and state legislatures in response to problems or abuses contribute to the legal framework and have become more specific in mandating action by higher education institutions as the overall goals have been thwarted or unrealized. The courts have played a dominant role in bringing education within the purview of the law as well as establishing clear-cut boundaries and responsibilities by virtue of rulings on cases brought to the courts.

The third foundation for equal opportunity and affirmative action can be seen in the economic and social goals of utilizing the human resources to the maximum in promoting the overall welfare of a democratic society. Underutilization of human resource as a result of discriminatory practices is viewed by many as a serious loss to the economic potential of the country and to the strength of societal resolve. A better distribution of women and minorities within the fields of academic specialization and among the institutions thus becomes an important factor when examining the economic and social dimension of the problem.

It can be seen from reviewing the executive orders and federal laws that the popular impression that affirmative action is concerned only with employment issues is incorrect. Typically, affirmative action is perceived as championing the employment of minorities and women only but there is

concern for equal opportunity for all. To accomplish this, however, those who have been thwarted from gaining the necessary training and/or experience must be provided access to such opportunities in order to become part of the available pool of qualified candidates. Thus the concept of affirmative action has broadened to include guarantees against discrimination in admission to training or education programs and an implied obligation for institutions to make a special effort to attract women and minorities to such opportunities.

More than one affirmative action officer has counseled that a male nursing student be included in any picture of nursing classes or a female or minority student be prominent in classroom or laboratory scenes. Special recruitment efforts are urged and special awareness or sensitivity programs recommended for true commitment. Some institutions have even reviewed their institutional policies to be certain they do not discriminate in such areas as employment of both members of a family (antinepotism policies historically most often had a negative impact upon the wife) and some have even affirmatively established new policies and programs such as provisions for day care centers to promote the goals of affirmative action.

Although attention has centered at institutional level where the implementation (or lack thereof) of programs takes

place and where the brunt of law suits and complaints falls, the regulatory role of different federal agencies charged with enforcement and monitoring responsibility has not gone unnoticed. In fact, the federal efforts have given rise to much discussion and heated controversy. Adamant civil rights groups favor a stronger and different role at the federal level while institution-related groups favor a less overbearing federal role. The Carnegie Council on Policy Studies in Higher Education discussed the delicate balance between past discriminatory practices and future requirements as the transition period. The Carnegie Council not only called for the end of past inequities but called for the elimination of current controls at the federal level stating:

> The federal government now intrudes further into the internal academic life of colleges and universities than almost any state government has ever gone, even temporarily. To whatever extent this may be necessary now, it should not become a condition ad infinitum. The necessary ends can be accomplished better and with less cost than such permanent intrusion would entail. Today's temporary necessity should not become tomorrow's curse.[5]

Entry of the State Role

It is interesting that the Carnegie Council report fails to acknowledge the role of the state agency in equal opportunity and affirmative action in all twenty-seven of

its recommendations. Furthermore, the section in its report dealing with responsibilities for implementing the twenty-seven recommendations calls on institutions of higher education, the Congress, and federal agencies only. There is not one mention of state agencies or state responsibility in that entire section of the report! This is an amazing omission in view of the fact that many states had enacted fair employment practice laws after World War II and thus antedate federal nondiscrimination legislation. Fair employment practice laws typically prohibit discrimination in employment on the basis of race, religion, or national origin in their earliest forms but have recently been amended to include discrimination on the basis of sex. Furthermore, many state laws call for equal pay provisions. The Education Commission of the States reported 42 states having fair employment practice legislation in 1975 and most of these apply to public as well as to private employment. Most states also provide for a fair employment practices commission charged with receiving complaints and investigating as well as taking appropriate corrective action. As a result, the federal EEOC regulations provide that complaints should be referred to state or local agencies first wherever possible. This, of course, has increased workloads for the state agencies in many cases.

While not all state fair employment practice laws include higher education institutions under their purview, it can easily be seen that the concern of the state for equal opportunity does exist and thus represents one force pressing for action by state agencies responsible for higher education institutions. It is natural that state commissions would turn to other state agencies when attempting to investigate complaints received from constituents of their institutions. As a result, much pressure has been generated for state level community college agencies to respond to the equal opportunity and affirmative action endeavors.

Other reasons explain the entry of the state as well. The Carnegie Council found that the affirmative action efforts at the federal level were confused and "even chaotic" which led to loud cries of objection and appeal from the colleges and universities throughout the nation. Among some of the problems identified are too many regulations and guidelines, often containing inconsistencies and contradictions; duplicating and often feuding federal agencies which demand their own data although often much is the same; delays in processing and taking action on complaints; poorly qualified and sometimes understaffed agencies; too hypocritical and vindictive actions with little tendency toward consultative assistance and often

committed to reproach and intimidation instead; and too many agencies prescribing too many remedies for the problems.[6] With such pressures on the individual institution, it is natural that they would turn to their state agency seeking help in any contacts with the federal agencies. Since state agencies are perceived as having lines of communication with federal agencies, institutions see virtue in calling upon their own state agency to intercede when they are in difficulty.

Another force which has pressed to create greater involvement by the state has been the role of the courts. The sheer size and scope of litigation in some states has prompted state agencies to assume greater responsibility for coordination, consultation, and liaison. Frequently, the state agency is involved by virtue of the entrance of the state attorney in the case since state monies are involved. In addition, rulings of one case can establish precedence for all of the institutions within the system and thus the state agency becomes enmeshed whether or not it had originally desired.

Yet another reason for state agency involvement can be seen in the advent of collective bargaining and its impact upon personnel matters. Since some states now provide for collective bargaining in institutions of higher education, there is a natural tendency for the state agency

to be pressed for clarification on the relationship of union goals as opposed to those of affirmative action. Unions, by their nature, attempt to control the "ins" at all costs, even at the expense of the "outs". As a result, seniority and other employment principles championed by unions frequently can be viewed as a protective reaction against affirmative action and thus interpretations are sought at the institutional level from the state.

Finally, many presidents of institutions see strength from working with the state in investigating or researching appropriate dimensions of the problem to assist the individual institution. In some cases, the state can play a role in identifying where an apparent pool of qualified women and minority group professionals may be tapped by an institution from a different part of the state. Analysis of staffing data, salary data, and related information stored at the state level can provide identification of problem areas needing attention. Thus institutions have, in some cases, sought assistance from the state in preparing for their interaction with the federal agencies.

The State Community College Agency: Because of higher education's increased liability for meeting requirements of federal regulations and because of the direct relationship of most state community college agencies with the community colleges in their system, it seems appropriate

to examine the role and the position of staff at the state level involved in the equal opportunity and affirmative action endeavors. A review of the literature made it clear that little had been done to examine this group of officials. Although some documents deal with what the role of an affirmative action officer should be, little had been done to discover who these individuals are and what their positions are like.

A 1973 study done by Kronovet in New York of fifty-eight institutions (thirty-eight of which were community colleges) sought to clarify the role of new managers of affirmative action programs. Essentially, the study found that most institutional officers saw their affirmative action responsibilities as collateral since almost none of them were full time. They had a variety of job titles, although few were found to be designated for the equal opportunity/affirmative action function.[7] In a follow-up study in 1975, the same researcher found that there had been no increase in community colleges of the number of individuals who had these responsibilities full time. Job titles continued to cover a wide range and there had been a substantial rate of turnover among the affirmative action officers during 1973 and 1974.[8]

In another regard, there have been several studies done on state level personnel in community colleges

(particularly at the Florida State University and University of Florida State and Regional Education Centers); however, none have specifically addressed the position with which this study is concerned.

Resource documents (e.g. model plans, "how to" guides. and annotated bibliographies) relating to the development of a plan have become increasingly available. Furthermore, interpretive memorandum, guidelines, and technical assistance have been issued from federal agencies. Established professional organizations have recognized the issue in a variety of ways (e.g. workshops, journal articles, etc.). Some organizations have even been formed with the promotion of these efforts as their focus. Yet, there does not seem to have been any attempt in these to define the role of the state agency official who works with institutions on the development and implementation of their plans.

The Study of State Level Positions

The North Carolina Department of Community Colleges in cooperation with the State and Regional Higher Education Center of Florida State University carried out a survey study of state level agencies for community colleges in order to (1) determine which state agencies have positions responsible for equal opportunity/affirmative action; and (2) identify the nature, role, and responsibilities of the

position. A questionnaire was developed and mailed to all members of the National Council of State Directors of Community and Junior Colleges and to any additional states listed by the American Association of Community Junior Colleges for having a community college system.

A survey was designed to meet the objectives set forth for this study. The first section was developed to provide some general information on the nature of the position for a given state. The data was subdivided into two sections-- administrative and organizational relationships and minimum qualifications. The second section of the survey was developed specifically to obtain a basic profile of the incumbents. As such, it was subdivided into personal demographic characteristics and professional demographic characteristics. The third and final section dealt with roles and responsibilities and was structured to obtain an overview on how the role was viewed by the respondent and what the responsibilities of the position involved, as well as the types of activities involved.

A letter was sent on May 28, 1976 to the state directors of community/junior colleges requesting participation in the survey and providing them with instructions and a copy of the survey to be completed. A self-addressed envelope for returning the survey was provided for the convenience of the respondents. As a result of this mailing,

fifteen responses were received from state officials.

On June 18, 1976, three weeks following the original mailing, follow-up letters and additional copies of the survey were sent to those from whom no responses had been received. Again, self-addressed envelopes were enclosed for ease in returning the survey. As a result of the second mailing, and follow-up telephone contact where possible, twenty additional responses were received from state officials. Thus, thirty five (87.50 percent) of the forty state directors surveyed returned either completed or partially completed surveys. One of the five states failing to return the survey sent a letter and commented it was not an appropriate time for that state to participate in such a study.

The information collected from the survey was coded, tallied, summarized and prepared for analysis. The first phase was to report the summarized data on the three sections of the survey-- the nature of the position, the profile of incumbents, and the role and responsibilities assumed by the position. The second phase was to discuss the results reported and speculate as to the implications the findings may have for equal opportunity/affirmative action efforts in state level agencies for community college systems.

Results of the Study

The results of the study include a brief summary review and then a report of responses given on the nature of the position, the profiles of the incumbents, and the roles and responsibilities of the incumbents.

Nature of Position Summary

In analyzing the nature of the position, it appears that the positions, which generally are not longstanding, were established as a result of the state agency head's priorities. Incumbents most often oversee the equal opportunity/affirmative action function as only one of their administrative areas, but spend (for the most part) a considerable amount of time on the effort and have titles which reflect this particular responsibility.

More than half of the positions are located in the state director's office or in the administration and finance areas; furthermore, they report directly to the chief executive or the "second in command" except in a few cases, indicating that state directors who set the priority of the establishment of the position have kept it fairly close to them. Although the position does not have exceptionally large staffs, it apparently has some manpower under its supervision upon which to draw. Often this manpower is in other areas of responsibility and does not necessarily deal with equal opportunity/affirmative action or is made up of institutional officers in the case of state systems. In almost all cases, both the subject position and those supervised are funded from state funds, highlighting the fact that the federal government has offered little, if any, resources to support the funding of such positions.

In examining the minimum qualifications required for holding the position, the distribution of responses on level of degree was approximately even between bachelors, masters, and doctorates with

slightly less than a third of the states not specifying a degree requirement. With respect to area of study required for the position, two thirds of the states had no specification. Thus, there does not seem to be widespread consensus on the type of formal educational background required to hold the position. For the most part, states either do not specify or require only one to five years of both prior professional experience and prior experience in equal opportunity/affirmative action.

I. Nature of Position Data Report: In determining the nature of the position, the area of administrative and organizational relationships and minimum qualifications were surveyed.

Administrative and Organizational Relationships: A total of twenty-six states of the thirty-five responding indicated that there is a position in the state level agency responsible for equal opportunity/affirmative action, while nine have no such position.

Table I

States Reporting No State Level Responsibility for for Equal Opportunity/Affirmative Action

Alabama	Ohio
Arizona	Oregon
Colorado	Texas
Indiana	Wyoming
Mississippi	

In seventeen of the twenty-six states the positions are also responsible for other administrative areas while the remaining nine positions are full time for equal opportunity/affirmative action. When asked how long (in years) that the position with its current responsibilities

in equal opportunity/affirmative action had been in existence, three indicated a time period of less than one year and twenty-three stated an interim of one to five years, while one said six years, and one state did not respond to the question. The mean time was 2.225 years. Nine of the positions allot less than 25% of their time to the position; four, from 25% to 50%; two, from 51% to 75%; and ten, from 76% to 100%. One state failed to respond.

The primary reason for the establishment of the position was a mandate by the state legislature in five states. In fifteen states, the principal stimulus was the priority of the state agency head. Four states reported creation of the position because of federal action and two states reported Governor's executive order as the reason for the establishment of the position.

Table II

States Reporting Responsibility and Source of Authority

Priority of Agency Head

California	Minnesota
Delaware	Nevada
Georgia	New Jersey
Hawaii	New York
Illinois	North Carolina
Kansas	Oklahoma
Maryland	Pennsylvania
Massachussetts	

Legislative Mandate

Connecticut	Rhode Island	Wisconsin
New Mexico	Washington	

Federal Requirements

Alaska	Florida
Arkansas	Kentucky

Executive Order (Governor)

Iowa	Missouri

When questioned as to the title of the position that has the responsibility for equal opportunity/affirmative action at the state level for community colleges, indication was given that fifteen of the incumbents had titles which included references to the efforts (such as Affirmative Action Officer, Director or Coordinator of Affirmative Action Programs or of Equal Opportunity). In three other cases, the individual was more directly tied to the area of personnel (such as Assistant Vice Chancellor of Personnel or Personnel Officer). A variety of other titles was given by eight other instances. In one larger state, it was indicated that there were two full-time positions which had the responsibility.

The area or division to which the position is assigned is the chief executive's office in eleven states, while it is located in the area of personnel or faculty and staff relations in four others. It is found in administrative services in four instances and two in the area of academic affairs. Only one state indicated an assignment to an area of policy and planning, and one to the area of career education.

The subject position reports directly to the chief executive in fifteen instances and to the deputy director or vice chancellor in six states. One individual reports to the director of personnel, and one to a vice-president for minority affairs. Still another reports to the assistant to the president, while another to an associate vice-president and the last to a director of administration. In two states, it was noted that the incumbent reports to more than one individual in the performance of duties which is consistent with the multi-dimensional nature of the position in many states.

In twenty-four states, the position is funded from state funds although Alaska and Rhode Island reported that some institutional funds are also involved. This is explained by the fact both states have a single institutional system. The remaining two states fund their position on federal funds under the state department of education.

In four states, this position supervises no one, while in fourteen states there are one to five individuals for which the position is responsible. The nature of the state system explains the fact that in still two others the position supervises from six to ten individuals and in four states, the position supervises more than ten individuals. In Pennsylvania, for example, the position is part of a Bureau of Equal Opportunity covering all levels and types

of educational institutions. In state systems of community colleges such as Connecticut, Delaware, Hawaii, and Kentucky, the position supervises the institution level officer for affirmative action.

Minimum Qualifications: In identifying the minimum qualifications required for holding the position, six states indicated that only a bachelor's degree was required, while eight required a master's degree and four required a doctorate. Eight states did not specify a minimum level of degree. When questioned about the major area of study required, six stated that education was necessary, two preferred business administration, two required study in the field of law, and eighteen did not specify a major area of study. It should be recognized that these may be the background of incumbents and not required majors for future candidates.

With regard to experience, no states indicated that no prior professional experience was required to hold the position, while eight required one to five years and two others required more than five years. No specification was given in eleven other states.

Eight states had no requirements regarding the number of years needed in equal opportunity/affirmative action, but three indicated that a minimum of one to five years of prior experience was necessary. None required more than five years. Eleven did not specify a requirement of

experience in the area and four states did not respond.

When asked about other minimum qualifications that are required, only a few states gave additional response. One stated evidence of commitment to minorities and women, as well as communication and organizational skills, was important. Another cited the following as necessary: knowledge and understanding of philosophy and objectives of the community college system, as well as knowledge of tests and measurement, basic research organizational theory and practice, and the understanding of concepts and theories related to human relations. One state mentioned that eight years of work was required and one specified that personnel management experience or knowledge was important. Another mentioned it was preferred than an individual have prior counseling, administrative, or advocacy experiences.

Profile of Incumbent Summary

> The typical incumbent is a white male between the ages of thirty-one and fifty. Roughly half of the subject positions have master's degrees and a fourth have doctorates with the heavy concentration of degrees being in education. With rare exception, incumbents have prior professional experience in education, but almost half had no prior experience in the area of equal opportunity/affirmative action. In general, it appears that incumbents hold higher degrees and have more professional experience than required, but have less overall experience in equal opportunity/affirmative action than outlined in the minimum qualifications. The types of positions held prior to assuming the subject position are fairly evenly distributed among the categories of student affairs, personnel,

equal opportunity, program directors or heads, and a variety of staff positions. However, over half had been in state agencies and almost a fourth had been in educational institutions.

II. Profile of Incumbent Data Report

Personal Demographic Characteristics: Of the individuals currently filling the subject position, ten of them are females and sixteen are male. There are two American Indians or Alaskan Natives, no Asian or Pacific Islanders, seven blacks, one Hispanic individual, and sixteen whites. It should be noted that six of the whites are female. The remaining ten male whites are, with few exceptions, individuals who dedicate 30% of their time to affirmative action and are responsible for other functions as part of their job description. Six are under thirty years of age, twelve between thirty-one and forty, five between forty-one and fifty, three between fifty-one and sixty, and none over sixty years of age.

Table III

Personal Demographic Characteristics of Incumbents

Age	under 30		31 - 40		41 - 50		51 - 60		Total	
	F	M	F	M	F	M	F	M	F	M
Am. Indian/ Alaskan	2								2	
Black			1	5				1	1	6
Hispanic			1						1	
White	2	1	2	4	1	4	1	1	6	10
Total	4	1	4	9	1	4	1	2	10	16

It is interesting that all but two of the male, white officials report less than 30 percent of their time is

allotted to equal opportunity/affirmative action which is evidence that their major responsibilities are toward other functions. In the case of New York and Wisconsin where the other two are, the responsibilities of the office are not limited to community colleges but cover other types of institutions as well. In sharp contrast, four of the six white female officials spend one hundred percent of their time on equal opportunity/affirmative action and the other two spend more than two-thirds of their time in such duties.

Professional Demographic Characteristics: When examining the degrees of incumbents, it was found that seven held bachelors, thirteen held masters, and seven held doctorates. Five states did not indicate the incumbent's level of degree. The major area of study of those degrees included the following: ten in education, three in business administration, one in law, and eleven in a variety of other fields. Two did not respond.

One incumbent had no professional experience prior to assuming the position while five had only one to five years. Ten had five to ten years of experience and nine had more than ten. There were no responses from two states. When looking at the number of years prior experience in education, it was discovered that two had never worked in the field, nine had worked in it for one to five years, seven,

for five to ten years, and seven for more than ten years. Two states did not answer the question.

Eleven of the incumbents had no prior experience in the area of equal opportunity/affirmative action prior to assuming the position, while eight had one to five years experience. Five individuals had six to ten years of experience in the area, but no one had more than ten. Three states failed to respond.

The position held immediately prior to assuming the position by five incumbents was in the area of student affairs. Five others had held positions in the area of equal opportunity/affirmative action, while four individuals had worked as administrators, directors or chairmen of a particular program or department. Three incumbents had held positions in a variety of miscellaneous positions. One respondent did not list the former position.

For fifteen individuals, these positions were located in state agencies, six were in institutions, and one had been in business and industry. One incumbent accepted her position upon completion of graduate school while serving as a research associate and one person had been with the federal postal services. Only one respondent did not answer the question.

Role and Responsibilities Summary

In assessing the primary role of the subject

position, slightly more than half of the incumbents saw it as multiple and used more than one identifier describing it. At least one third of the respondents regarded the roles as coordinator, administrator, consultant and liaison agent as "primary."

The primary function of the position was seen by almost half of the respondents as monitoring, but interestingly enough, almost a third recognized the importance of providing assistance through consulting with the institutions--an interesting combination of "monitor" and "facilitator." The role of developing and implementing programs, coordinating the efforts of the institutions among themselves, as well as the efforts of the system and state office or other external agent, and yet, serving as a resource person is indicative that the function of the position is seen as being consistent with the role outlined for it.

It is not surprising that the areas of equal opportunity/affirmative action which raised the greatest number of questions and required the greatest amount of state staff time overwhelmingly centered around meeting the institutional requirements of the law in the areas of recruitment and treatment of personnel; students apparently receive little attention at this point in time. Historically, the concepts of equal opportunity/affirmative action have primarily addressed employment aspects. Yet, the authors believe that attention to aspects of student recruitment, admission, and treatment may well increase with the requirements imposed by Title IX in the future. These regulations not only reinforce efforts in the area of employment, but also address extensive aspects of student life. Consequently, it may be anticipated that the focus of questions and the amount of staff time devoted by the position may be shifting in the near future from almost exclusively employment to students or at least to a more balanced situation.

The awareness on the part of state offices and sensitivity to equal opportunity/affirmative action seems to be borne out by the types of activities which have been implemented to carry

out the general responsibilities of the position, even in states where the position is responsible for other administrative areas. Workshops, clearinghouse of information, institutional visits, consultation and articulation activities are testimony to this. In fact, of the eight major categories of activities listed, only one did not elicit a response from more than fifty percent of the subject positions. This exception was in the use of statewide advisory committee.

III. Role and Responsibilities Data Report

The primary role of this position as it related to equal opportunity/affirmative action was seen as being that of administrator by thirteen individuals, as being a consultant by eleven others, as being a coordinator by sixteen, and as being the director and organizer of workshops, seminars, and conferences by still six others. Two people saw it as being a legal advisor, while nine viewed it as a liaison agent and six thought of it as an ombudsman. Only three saw it as a recruiter and five saw it as a researcher. Three saw the position playing "other" roles than those aforementioned.

Table IV

Primary Role of Position Related to Equal Opportunity/Affirmative Action

(N)	Role	(N)	Role
16	Coordinator	6	Ombudsman
13	Administrator	5	Reasearcher
11	Consultant	3	Recruiter
9	Liaison Agent	2	Legal Advisor
6	Director/ Organizer of Workshops, etc.	3	Other

When asked about what was seen as the primary function of the position, approximately forty-two percent (eleven) of the states which have positions mentioned the monitoring function and/or procedures involved in insuring compliance with federal and state legislation. Providing information and serving as a resource or consultant to the institutions was mentioned eight times. Coordinating the institutional efforts was seen as paramount in five states. The functions of serving as liaison to outside groups, assisting the chancellor and/or administration in program development and detecting and correcting areas of discrimination were each mentioned twice. Approving institutional plans was seen as a primary function by only one respondent.

The greatest number of questions or inquiries of the subject position are raised as they relate to instituional requirements, according to twenty-one respondents. One individual stated that the greatest number of inquiries was in the area of student admission, while none had the greatest number of questions in the area of student treatment. Recruitment of personnel was a principal concern in still nine others.

The area which required the greatest amount of state staff time for nineteen states was institutional requirements, while admission of students consumed the most time in only two cases and treatment of students required the most in no states. The largest amount of staff time was

spent in the recruitment of personnel in ten instances, while the treatment of personnel required the greatest amount of attention by nine respondents. (Note: several states responded to more than one area on these two inquiries).

When Asked what types of activities had been implemented to carry out the general responsibilities of the position, the number of states participating were, as follows:

Table V

Frequency	Activity
	Articulation with
17	(1) Other state agency officials
17	(2) Education-related agencies
16	(3) Federal officials
10	(4) Public instruction
11	(5) Other public postsecondary institutions
4	(6) Private/proprietary postsecondary institutions
1	(7) Chairman of State Board Affirmative Action Committee
1	(8) Statewide Planning and Implementation of Desegregation Plan
16	Regional/local workshops, seminars, or conferences
16	Clearinghouse of information
16	Institutional visits/consultations
14	Statewide workshops
14	Applicant pool (student/employees)
14	Attendance/speaking at national meetings
10	Statewide advisory committee

Toward the Future

As a result of the authors' experiences with affirmative action at the state level and the study conducted about

the individuals currently holding positions in state level agencies for community colleges which are responsible for equal opportunity/affirmative action efforts, there are some general observations that can be made and some implications for future research suggested.

Clarification of Roles

Until recently, attention to affirmative action has been largely centered at the institutional level, where the implementation (or lack thereof) of programs is taking place and where the brunt of lawsuits and complaints fall. It is this level which feels the greatest impact of requirements levied by various laws and regulations. Although the attention has centered here, the regulatory role of different federal agencies charged with enforcement and monitoring responsibilities has not gone unnoticed; in fact, the efforts of this level have given rise to much discussion and heated controversy. The adamant civil rights groups favor a stronger and different role, while the institution-related groups favor a less overbearing and different role. Both groups want the federal role changed, but in different directions.

Although the roles assumed by the institutional and federal levels have been recognized, debated, and discussed, little focus, if any, has been given to the role that the state agency plays in the efforts of insuring equal opportunity in higher education institutions and of assisting in

the development and implementation of affirmative action activities, where necessary. However, it is a role which should not be discounted and is, in fact, showing evidence of becoming a viable one. In some states, existing state staff have taken on the responsibility of affirmative action, while in others, new positions have been established to work in the area. This means that departments have had to be organized or reorganized to accommodate the function, and resources allocated to support the efforts. Gradually then, state agency officials have begun to increasingly involve and have assumed a posture, in varying degrees, of coordinating efforts with the state system (either voluntarily or at the encouragement of the federal agencies), of providing leadership in affirmative action efforts, and by offering technical assistance to institutions in the development and implementation of programs.

In general, while federal personnel have been seen as being monitors or regulators and the institutional staff may be described as implementers, the state officials may assume any one of several postures-- administrator, consultant, coordinator, director and organizer of workshops, legal advisor, liaison agent, or strategist.

Reflections on the Functions of the State Official

Individuals working in state agencies for community colleges in the area of affirmative action should find themselves interacting frequently with institutions. It is

important to recognize certain factors in relating to institutional personnel. The first of these is the identification of the institutional climate, which represents a plethora of emotions. Resistance may well be one of the most pronounced reactions due to a variety of reasons. Inherent in most change is a tradition of resistance merely because it causes change in the "status quo." There may also be personal biases or misconceptions on the part of top administration. A third reason for resistance may be due to the feeling by academicians that there is impingement or encroachment from another outside source ("Those feds again!") which threatens institutional autonomy and which potentially erodes the academic freedom principles upon which institutions of higher education traditionally have operated. Finally, resistance may be a result of certain constituencies which believe that their domain or cause is under attack; for example, the cries of "reverse discrimination" on the part of white males when attention is turned to the concerns of minorities and females and the concern on the part of some minorities who feel their movement and progress is hampered by the pressure exerted by women's groups.

A second very real emotion that should not be discounted is the evidence of frustration on the part of institutional personnel. Frustration, in fact, is very real to both the supporters of the cause and their resistors. Those

who support the effort are frustrated in trying to implement the law without additional resources or personnel. Furthermore, the slowness of change is often a major source of frustration to enthusiasts. For those who are resisting the change, frustration comes from recognizing the inevitability inherent in the process.

A third emotion which is frequently present is anxiety. The source of this may well be lack of understanding of the law. Many institutional personnel who are laymen without legal backgrounds see the law as sacred and incomprehensible, while others experience conflict over not understanding the law on one hand and having basic concern of violating the law and the subsequent penalties imposed as a result of the violation on the other.

Finally, there is a fear or hesitancy on the part of many institutions to assume a forerunner position or of being seen as a leader within the system, thereby calling attention to itself. Serving as a "model" opens an institution up to criticism and may have the effect of alienating the institution in an adverse or unpopular way from fellow institutions, especially in conservative regions or states.

Besides being aware of the combination of emotions which are interacting on the institutional level, a state official should be aware of institutional expectations.

Often, the assessment of the task at hand is unrealistic. It may be seen as too insignificant and, therefore, "not warrant a sufficient amount of time, resources or personnel to accomplish what needs to be done"; or it may be seen as too monumental an effort to undertake, consequently, "it could never be finished and/or the federal official would never be satisfied." Another expectation which some institutional personnel often exhibit is a willingness to "pass the buck" to state level officials who extend an offer of technical assistance. Institutional personnel may well seek resources or models that provide a cookbook approach and expedite their efforts to prevent having to "start from scratch."

A third expectation which state agency personnel may face is the tendency for some institutions to develop plans, collect data and adopt policies which meet the strict letter of the law and appear to be in compliance, but then subsequently revert to personal or institutional practices which are, in fact, discriminatory.

In addition to the need to have perspective of the institution's frame of reference, it is important that a state official try to maintain a sensitivity to the federal frame of reference. An understanding is needed of the posture of the federal personnel and circumstances from which they operate and between them and institutional personnel. Federal officials are charged with doing a job in

which inherently adversarial relationships exist. These officials may be expected to operate under handicaps such as unrealistic workloads or insufficient staff and resources to meet the demands. Some may be unfamiliar with the nature and operations of education institutions, failing to see the differences between the private and public sectors of society-- a handicap which in and of itself could cause resistance, frustration, anxiety, fear and/or unrealistic expectations on their parts in their dealings with state agencies and institutions.

What Type Individual?

In carrying out the functions of the positions, there are several characteristics which an individual should exhibit. First, the incumbent should be knowledgeable and current in that knowledge. A working knowledge of the legislation and its interpretation, human relations, and sound management and personnel principles are essential areas. Another related characteristic the incumbent should possess is the ability to be systematic and thorough in providing technical assistance to the institutions. Certain basic principles and/or information must be disseminated to all institutions either individually or collectively.

Resourcefulness is also a "must" on the part of state officials in working with institutions. Individuals on campus have often assumed the responsibilities for affirmative action as an "add-on" duty. Although the ideal

approach for developing and implementing a campus plan or program is through the use of a committee, the state official should realize that it is often difficult to get one individual trained in the area, much less a committee. Caution should be exercised, however, by the state official not to discourage the institutional affirmative action officer by overwhelming him or her with the task at hand or subtly to encourage a "one-person show" due to the difficulty that may arise in assisting the institutional personnel to identify a means by which to solve the dilemma. The limitation on fiscal resources may also cause frequent demands on state officials to be creative in helping institutions develop resources to meet their needs with limited personnel and financial support.

An incumbent should also be tactful of working with campus personnel. Institutional presidents, boards of trustees and/or equal opportunity committees often see the state official as a monitor, feeling threatened and relating accordingly. The image of consultant and comrade should come through in the relationship. Since the nature of interaction is consultative and advisory, it requires one who is flexible and adaptable and who has the ability to shift from one role to another as the situation demands. The role is a multiple one and requires the individual, at one time or another, to be a coordinator, administrator, consultant, liaison agent, monitor, and/or facilitator.

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